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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,701	06/01/2000	Irene Lin	SLA 001	5051

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NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)

P.O. BOX 506

MERRIFIELD, VA 22116

EXAMINER

CHANG, VICTOR S

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-20

Office Action Summary

Application No.

09/584,701

Applicant(s)

LIN, IRENE

Examiner

Victor S Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 19-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Rejections not maintained are withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is noted that newly amended independent claims 1 and 10, lines 3-7 and lines 6-10, respectively, now recite "each of the gaps comprising two edges approximately in contact with each other to form an approximately closed gap". However, Applicants have not pointed out any express or inherent support of the term "approximately" in the specification, nor does the Examiner find "approximately" being inherently supported by Fig. 2A to Fig. 2C. To the contrary, Fig. 2A to Fig. 2C appear to illustrate that the gaps are in physical contact.

5. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In newly amended claims 1 and 10, lines 3-7 and lines 6-10, respectively, the term "approximately" is vague and indefinite, i.e., it is not clear as to whether the gaps are closed or open.

Also, in view of the amended structure of the gaps, the structure of the composite film is vague and indefinite. In particular, in newly amended claim 1, line 9, the phrase "attached to one side" is vague and indefinite, i.e., it is not clear ^{which side} ~~that~~ the nonstick sealing layer is attached to ~~which side~~ of the polymer composite layer.

Response to Amendment

6. Claims 1-4 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaikema et al. (US 4689936), substantially for the reasons set forth in sections 7 and 8 of Paper No. 17, together with the following additional observations.

It is noted that newly amended claims 1 and 10, lines 3-7 and lines 6-10, respectively, now recite "each of the gaps comprising two edges approximately in contact with each other to form an approximately closed gap when a pressure difference between the two sides of the composite film is approximately zero".

With respect to Applicant's Response arguing that Gaikema teaches that "The opening 5 on the cover 3 is always open and the edges thereof do not contact with each other....the present invention in which the two edges of each gaps contact with each

other” (Response, page 7, lines 6-11), the Examiner notes that in newly amended independent claims 1 and 10, the gaps are “approximately in contact”, not exactly “contact with each other”. Further, it is known that various openings, including the ones in which the edges are in contact, can be used for increased gas permeability when the temperature increases. Note also as evidence of the state of the art of cited Challis et al. (US 5672406), which shows in Fig. 3 that in plan view various apertures can be used to form vent openings, including openings which appears to have edges in physical contact initially (column 3, lines 39-40). As such, it would have been obvious to one skilled in the art to modify Gaikema’s vent openings with various apertures of Challis, motivated by the desire to accommodate various venting requirements.

With respect to Applicant’s Response arguing that Gaikema’s invention “fails when the temperature is not high enough to make the hot melt means become a liquid phase” (Response, page 7, lines 20-22), and that “the self-venting function of the composite film in the present can always work successfully without the temperature concern” (Response, page 7, lines 30-31), the Examiner notes that claims 1-9 of the instant invention also contain a temperature responsive sealing layer. As such, Applicant appears to be arguing that claims 1-9 are not enabling as well. As to claims 10-18, it is noted that Challis’ invention does not require a sealing layer. As such, it would have been obvious to one of ordinary skill in the art to form a composite film without a sealing layer, and it is believed that Challis’ film structure is inherently functional without the temperature concern as well.

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7. Claims 5, 6, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaikema et al. (US 4689936), and further in view of Mueller et al. (US 4404241), substantially for the reasons set forth in section 9 of Paper No. 17, together with the additional observations as set forth above.

8. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaikema et al. (US 4689936), and further in view of Lesser (US 5012061), substantially for the reasons set forth in sections 10 of Paper No. 17, together with the additional observations as set forth above.

9. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaikema et al. (US 4689936), and further in view of Inoue (US 4769175), substantially for the reasons set forth in sections 11 of Paper No. 17, together with the additional observations as set forth above.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 703-605-4296. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

VSC
April 14, 2003

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP ~~1300~~
1700

Daniel Zinker